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Harry Churchward and Donny Cook*

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

DASHOD REED,

Plaintiff,

v.

D. COOK, et al.,

Defendants.

Case No. 3:19-cv-00524-CLB

**DEFENDANTS' NOTICE OF  
SETTLEMENT IN PRINCIPLE AND  
UNOPPOSED MOTION FOR 30-DAY  
STAY**

Defendants, Harry Churchward and Donny Cook, by and through counsel, Aaron D. Ford, Attorney General of the State of Nevada, and David A. Bailey, Deputy Attorney General, hereby notify this Court that the parties have reached an agreement in principle to settle this matter and request time to finalize the written settlement agreement without the necessity of litigating this case in the interim. The parties reached an agreement on November 29, 2021, and are in the process of finalizing the settlement agreement and stipulations, and, therefore, Defendants request the Court stay all deadlines and proceedings in this matter for 30 days to permit time for the parties to finalize the settlement agreement and submit a stipulation to dismiss this action. This motion is based on the following Memorandum of Points and Authorities, and all papers and pleadings on file in this case.

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**MEMORANDUM OF POINTS AND AUTHORITIES****I. INTRODUCTION AND PROCEDURAL HISTORY**

This is a *pro se* prisoner civil rights action brought by inmate Plaintiff Dashod Reed, concerning events that allegedly took place at Northern Nevada Correctional Center (“NNCC”), asserting claims arising under 42 U.S.C. § 1983.

This case is in the discovery phase, with the close of discovery slated for December 27, 2021. *See* Scheduling Order, ECF No. 15, at 1. Pending before the Court is Plaintiff’s Motion to Compel (ECF No. 29). No other hearings or proceedings are currently scheduled, and this matter not yet set for trial.

**II. ARGUMENT**

Courts have inherent powers to control their dockets, *see Ready Transp., Inc. v. AAR Mfg, Inc.*, 627 F.3d 402, 404 (citations omitted), and to “achieve the orderly and expeditious disposition of cases.” *Chambers v. NASCO, Inc.*, 501 U.S. 32, 43 (1991). The “power to stay proceedings is incidental to the power inherent in every court to control the disposition of the causes on its docket with economy of time and effort for itself, for counsel, and for litigants.” *Landis v. N. Am. Co.*, 299 U.S. 248, 254 (1936). The Ninth Circuit reviews stay orders under an abuse of discretion standard, but is “somewhat less deferential.” *Dependable Highway Exp. Inc. v. Navigators, Ins. Co.*, 498 F.3d 1059, 1066 (9<sup>th</sup> Cir. 2007). And a court must consider potential collateral damage when entertaining a motion to stay proceedings. *See id.*

In this case, there is no risk of collateral damage because the parties have reached a resolution to this case, and merely need additional time to complete the agreement and stipulations required to conclude this matter. Plaintiff is not opposed to Defendants’ request for a 30-day stay, which should eliminate any concerns of prejudice or damage to the Plaintiff.

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1 **III. CONCLUSION**

2 WHEREFORE, Defendants respectfully request the Court to enter an order staying  
3 all deadlines in this action for 30-days, until December 29, 2021.

4 DATED this 29th day of November 2021.

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6 IT IS SO ORDERED.

AARON D. FORD  
Attorney General

7 Dated: November 30, 2021

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UNITED STATES MAGISTRATE JUDGE

By: /s/ David A. Bailey  
DAVID A. BAILEY, Bar No. 13661  
Deputy Attorney General

*Attorneys for Defendants*

12 **CERTIFICATE OF CONFERENCE**

13 The undersigned Counsel certifies he held a telephonic conference with Plaintiff  
14 Dashod Reed on November 29, 2021, in part regarding this request for a 30-day stay to  
15 provide time to finalize the settlement in this action. Plaintiff is not opposed to the 30-day  
16 stay requested by Defendants for the reasons herein.

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18 /s/ David A. Bailey  
19 DAVID A. BAILEY, Bar No. 13661  
20 Deputy Attorney General  
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**CERTIFICATE OF SERVICE**

I certify that I am an employee of the Office of the Attorney General, State of Nevada and that on this 29th day of November 2021, I caused a copy of the foregoing, **DEFENDANTS' NOTICE OF SETTLEMENT IN PRINCIPLE AND UNOPPOSED MOTION FOR 30-DAY STAY**, to be served, by U.S. District Court CM/ECF Electronic Filing on the following:

Dashod Reed #1106921  
Care of NNCC Law Librarian  
Northern Nevada Correctional Center  
P.O. Box 7000  
Carson City, NV 89702  
lawlibrary@doc.nv.gov

/s/ Karen Easton  
An employee of the  
Office of the Attorney General